

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
)	
)	

**COMMENTS OF THE
PUBLIC SERVICE COMMISSION OF WISCONSIN**

The Public Service Commission of Wisconsin (PSCW) respectfully submits these comments in response to the Federal Communications Commission's (FCC's) Public Notice¹ to refresh the record on several petitions² seeking a limited waiver of FCC rules to allow certain Voice over Internet Protocol (VoIP) providers direct access to numbering resources from the North American Numbering Plan Administrator (NANPA) and the Pooling Administrator (PA). The Petitioners seek the same limited waiver of 47 C.F.R. § 52.15(g)(2)(i) that the FCC granted to SBC Internet Services Inc. (SBCIS) in 2005.³ If the FCC grants these waiver requests, the Petitioners would, like SBCIS, have direct access to numbering resources without obtaining separate state certifications.

In recent years the prevalence of VoIP service offerings has grown substantially, as has the rate at which consumers are turning to VoIP alternatives to meet their communications needs. In general, the PSCW supports the premise of VoIP providers having direct access to numbering

¹ *Wireline Competition Bureau Seeks to Refresh Record on Petitions for Waiver of The Commission's Rules Regarding Access to Numbering Resources*, Public Notice, CC Docket No. 99-200, DA 11-2074 (Dec. 27, 2011).

² The Petitioners include RNK Inc. (RNK), Nuvio Corporation (Nuvio), UniPoint Enhanced Services, d/b/a PointOne (PointOne), Dialpad Communications, Inc. (Dialpad), Vonage Holding Corporation (Vonage), VoEX Inc. (VoEX), Qwest Communications Corporation (Qwest), CoreComm-Voyager Inc. (CoreComm-Voyager), Net2Phone, WilTel Communications, LLC (WilTel), Constant Touch Communications (Constant Touch) and Frontier Communications of America (Frontier) (Petitioners).

³ *Administration of the North American Numbering Plan*, CC Docket 99-200, Order, FCC 05-20 (Feb. 1, 2005) (SBCIS Order).

resources as long as VoIP providers are subject to the same numbering resource conditions currently imposed on traditional telecommunications carriers and SBCIS, including the FCC's number utilization and optimization standards, industry guidelines and practices, and the numbering authority delegated to the states.⁴

The Issues

Federal law requires an applicant for initial numbering resources to submit evidence that it is authorized to provide service in the area for which the numbering resources are being requested. (47 C.F.R. § 52.15(g)(2)(i).) Because VoIP providers generally do not have state certification, they are unable to satisfy this requirement and therefore cannot acquire numbering resources directly from the NANPA or PA. Instead, VoIP providers must partner with a certified telecommunications provider (also known as a "numbering partner") in order to obtain their numbering resources. Having multiple parties involved in the numbering process can lead to inefficiencies when issues arise since it can be difficult to identify quickly who is actually using a specific numbering resource. Allowing for direct access may reduce these inefficiencies.

In 2005, the FCC took action to allow an VoIP provider direct access to numbers by granting a limited waiver of the federal requirements to SBCIS. The limited waiver granted to SBCIS waived the certification requirement, thereby allowing SBCIS direct access to numbering resources. However, the FCC's waiver also imposed certain conditions on SBCIS, including:

- The requirement that SBCIS comply with all FCC numbering utilization and optimization requirements.

⁴ The PSCW's position is largely in keeping with the 2007 National Association of Regulatory Utility Commissioners (NARUC) *Resolution Concerning Availability of Numbers to Voice over Internet Protocol Providers and IP-Enabled Services*, sponsored by the Committee on Telecommunications, recommended by the NARUC Board of Directors on November 13, 2007, and adopted by the Committee of the Whole on November 14, 2007. See Attachment 1.

- The requirement that SBCIS comply with all numbering authority delegated to the states.
- The requirement that SBCIS comply with all industry numbering guidelines and practices.
- The requirement that SBCIS file any numbering requests with the FCC and the relevant state commission 30 days in advance of requesting numbers from the NANPA or PA.
- The requirement that SBCIS comply with the “facilities readiness” requirements set forth in 47 C.F.R. § 52.15(g)(2)(ii).

The order also noted that SBCIS would be responsible for processing its port requests directly rather than working through another provider.⁵

In recent years, the FCC has imposed certain federal regulatory obligations on interconnected VoIP providers, including 911 obligations,⁶ Communications Assistance for Law Enforcement Act (CALEA) requirements,⁷ federal universal service contribution obligations⁸ as well as porting obligations.⁹ Consistency and the development of good policy encourage similar action in this docket.

The PSCW believes that the Petitioners’ requests for direct access to numbering resources are reasonable, provided that the Commission imposes conditions on the waiver

⁵ SBCIS Order at ¶ 9-10.

⁶ *E911 Requirements for IP-Enabled Service Providers*, WC Docket No. 05-196, First Report and Order and Notice of Proposed Rulemaking, FCC 05-116 (May 19, 2005).

⁷ *Communications Assistance for Law Enforcement Act and Broadband Access and Service*, ET Docket No. 04-295, First Report and Order and Notice of Proposed Rulemaking, FCC 05-153 (August 5, 2005).

⁸ *Universal Service Contribution Methodology*, WC Docket No. 06-122, Report and Order and Notice of Proposed Rulemaking, FCC 06-94 (June 21, 2006).

⁹ *Telephone Number Requirements for IP-Enabled Services Providers; Local Number Portability Porting Interval and Validation Requirements; IP Enabled Services; Telephone Number Portability; CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues; Final Regulatory Flexibility Analysis; Numbering Resource Optimization*, WC Docket Nos. 07-243, 07-244, 04-36 and CC Docket Nos. 95-116, 99-200, Report and Order, Declaratory Ruling, Order on Remand and Notice of Proposed Rulemaking (October 31, 2007).

requests. Specifically, the FCC should impose its numbering utilization and optimization requirements on these VoIP providers, as well as the obligation to comply with all applicable industry guidelines and practices and numbering authority delegated to the states. This would ensure parity among *all* providers that have direct access to numbering resources, regardless of the underlying technology used to serve consumers.

Throughout the history of the FCC's CC Docket 99-200, the FCC has taken important steps to implement conservation measures in order to preserve the nation's valuable and finite numbering resources. Like many other states, Wisconsin has exercised its delegated numbering authority and has worked closely with the telecommunications industry to ensure that our limited resources are used as efficiently as possible and in compliance with all applicable rules and guidelines. This work enabled the PSCW to postpone relief efforts in two Wisconsin area codes and has extended the forecasted exhaust dates of Wisconsin's remaining area codes. The PSCW encourages the FCC to maintain its commitment to all number utilization and optimization requirements that are currently in place as it considers these petitions.

If the FCC were to grant a limited waiver of 47 C.F.R. § 52.15(g)(2)(i), and allow the Petitioners direct access to numbering resources from the NANPA and PA, it should at a minimum maintain all of the same conditions imposed on SBCIS in 2005. Such a waiver, with the attendant conditions, provides for greater uniformity of number administration, parity among providers and the continued ability of state commissions to effectively oversee numbering resources and provider responsibilities to benefit all consumers. In addition to those previously-imposed conditions, the PSCW asks the FCC to consider:

1. Requiring the Petitioners to provide the relevant state commission with both regulatory and numbering contacts (name, telephone number and e-mail address)

at the time the Petitioners first request numbering resources in that state. Since VoIP providers are generally not certified by the states, this requirement would ensure that state commissions have accurate information and are able to contact the Petitioners in order to address any numbering concerns in their state.

2. Requiring the Petitioners to consolidate and report all of their numbering resources under their own unique Operating Company Number (OCN).

Currently, most VoIP providers obtain numbering resources from a state-certified numbering partner (or partners). As such, the VoIP provider is not directly subject to the FCC's Numbering Resource Utilization and Forecasting (NRUF) reporting requirements; the numbering partner is. This indirect allocation of numbering resources often leads states to question the accuracy of the numbering partner's NRUF data. This situation is further complicated by the fact that many numbering partners do not disclose for which third parties they have obtained numbering resources or the total quantity of reassigned resources. This situation makes it very difficult to determine the actual utilization rates within a given state. Since NRUF data is a critical component in forecasting an area code's projected exhaust date, it is important that all providers submit accurate and complete utilization and forecast data. Further, a provider's ability to obtain growth resources within a given rate center is directly dependent on meeting the FCC's utilization and months-to-exhaust calculations. If a VoIP provider is not required to report on ALL numbering resources at its disposal, it could greatly undermine the important conservation work that has been done on both a state and federal level. Therefore, the FCC should require the Petitioners to directly report on all

of the numbers in their inventories, including those numbers previously obtained through numbering partners.¹⁰

3. Requiring the Petitioners to provide their customers with the ability to access all N11 numbers in use in a state. The N11 designations made by the FCC have allowed citizens across the country to easily connect to vital information and referral services (211), non-emergency police or municipal services (311), travel information (511), Telephone Relay Services (711), state one-call notification centers (811) and emergency services (911). As increasingly more residential and business customers abandon traditional telecommunications services in favor of a VoIP service offering, the availability and inherent value of these vital numbering programs will diminish if VoIP providers are not required to provide access to these numbers.
4. Requiring the Petitioners to obtain numbering resources from pooling rate centers. Many states, including Wisconsin, have several rural rate centers which are currently not subject to pooling requirements. If VoIP providers were to obtain large quantities of numbers from these non-pooling rate centers, it may needlessly accelerate central office code assignments, strand large quantities of numbers and contribute to premature area code exhausts across the country.
5. Requiring that the Petitioners maintain the original rate center designation of all numbers in their inventories as wireline and wireless providers currently do today. The FCC has consistently acknowledged the importance of number portability in a competitive marketplace. As consumers increasingly port their local telephone

¹⁰ The ability to address issues of porting, pooling, utilization, forecasting and number conservation is more effective when a particular issue can be addressed directly with the provider in question and not necessitate coordination with intermediary numbering partners.

numbers between a variety of providers (wireline, wireless and VoIP), it is important that rate center designations are maintained, regardless of the underlying technology, in order to facilitate future porting requests.

Conclusion

The PSCW supports the FCC granting the Petitioners' request for a limited waiver of 47 C.F.R. § 52.15(g)(2)(i), provided that the Petitioners are also subject to the same conditions currently imposed on traditional telecommunications carriers and SBCIS. Additionally, the PSCW respectfully requests that the FCC consider imposing the five additional numbering conditions outlined above. This action would ensure parity among all providers that have direct access to numbering resources on a technology neutral basis. Providing uniform number resource requirements on all provider types will better protect consumers and enhance the abilities of states to effectively oversee their numbering conservation efforts. Lastly, the PSCW encourages the FCC to closely monitor and strictly enforce all conditions imposed on the Petitioners to ensure that the gains made through joint federal and state number optimization activities will not be undone.

Dated at Madison, Wisconsin, January 25, 2012

By the Commission:

/s/ *Sandra J. Paske*

Sandra J. Paske
Secretary to the Commission

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Attachment

Resolution Concerning Availability of Numbers to Voice over Internet Protocol Providers and IP-Enabled Services

WHEREAS, The National Association of Regulatory Utility Commissioners (NARUC) has long recognized the importance of efficient telephone number utilization, the need to avoid unnecessary area code changes, and prompt and efficient porting of consumers' telephone numbers; *and*

WHEREAS, A large and increasing number of American consumers are obtaining voice services from Voice over Internet Protocol (VoIP) and other Internet Protocol (IP) based service providers, either instead of or in addition to their service from traditional telecommunications carriers; *and*

WHEREAS, Pursuant to Section 251(e) of the Communications Act of 1934, as amended, including by the Telecommunications Act of 1996, rulemaking responsibility for the North American Numbering Plan (NANP) in the U.S. rests with the Federal Communications Commission (FCC); *and*

WHEREAS, The FCC has delegated day-to-day responsibilities for administering numbering resources to the North American Numbering Plan Administrator (NANPA) and the national thousands-block Pooling Administrator (PA), and local number portability is administered by the Local Number Portability Administration Center (NPAC); *and*

WHEREAS, The FCC recently acted to address local number portability and certain other numbering requirements related to VoIP and IP-enabled service providers, but did not address such providers reporting and utilization requirements; *and*

WHEREAS, Under current interpretations of FCC rules, only carriers with State certifications, FCC licenses, or waivers may receive telephone numbers directly from the NANPA or the PA, and requirements for service-provider access to the NPAC mirror these requirements and, as NARUC noted in its July 18, 2007, *Resolution Concerning Adherence to Numbering Rules by Voice Over Internet Protocol and IP-enabled Services Providers* (July Numbering Resolution), many VoIP and IP-enabled service providers therefore often obtain numbering resources from eligible FCC-licensed or State certificated carriers; *and*

WHEREAS, As NARUC further noted in the July 2007 Numbering Resolution, because of this indirect allocation of numbers to VoIP and IP-enabled service providers, such providers are not directly subject to the reporting and utilization requirements in the FCC's existing Part 52 numbering rules that help ensure the efficient assignment and usage of numbers; *and*

WHEREAS, Because VoIP and IP-enabled service providers are often neither State certificated

nor FCC-licensed, they may lack service-provider access to the NPAC to promptly and efficiently port telephone numbers upon customer requests; *and*

WHEREAS, NARUC remains concerned about the potential impacts upon consumers of inefficient number assignment and use, accelerated area code exhaust, and delayed or incorrect number ports between service providers; *now, therefore, be it*

RESOLVED, That the National Association of Regulatory Utility Commissioners, convened in its November 2007 Annual Convention in Anaheim, California, recognizes that there is a need for a national policy permitting the direct assignment of numbering resources to VoIP and IP-enabled service providers to ensure that these providers comply with FCC numbering rules, as well as reporting and utilization requirements; *and be it further*

RESOLVED, That NARUC urges the FCC to modify or reinterpret its Part 52 numbering rules to allow interconnected VoIP providers to obtain numbering resources directly from the NANPA and the PA and to obtain service-provider access to the NPAC; *and be it further*

RESOLVED, That NARUC urges the FCC to impose equally on all entities obtaining numbering resources directly from the NANPA or the PA the applicable numbering obligations to comply with the Commissions Part 52 rules and requirements. These obligations include, but are not limited to requirements such as periodic reporting on the usage of numbering resources, and utilization and months-to-exhaust standards for obtaining new numbering resources; *and be it further*

RESOLVED, That NARUC directs its General Counsel to communicate this resolution to all relevant policymakers, including federal and State agencies and Congress, and to file whatever comments or petitions may be necessary and proper to advance the goals of this resolution.

Sponsored by the Committee on Telecommunications

Recommended by the NARUC Board of Directors, November 13, 2007

Adopted by the Committee of the Whole, November 14, 2007